

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Compass Road, 122.59' NE of
Raintree Court
(226 Compass Road)
15th Election District
6th Councilmanic District
Manlio B. Chiabrera, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1801.2.c.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B. 3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 13.5 feet in lieu of the required 16 feet and to amend the last approved development plan for Section 3 of Goldentree to permit the construction of a garage outside the required building envelope, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of November, 1991 that the Petition for Residential Variance from Section 1801.2.c.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B. 3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a distance between buildings of 13.5 feet in lieu of the required 16 feet and to amend the last approved development plan for Section 3 of Goldentree to permit the construction of a garage outside the required building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 1, 1991

Mr. & Mrs. Manlio B. Chiabrera
226 Compass Road
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Compass Road, 122.59' NE of Raintree Court
(226 Compass Road)
15th Election District - 6th Councilmanic District
Manlio B. Chiabrera, et ux - Petitioners
Case No. 92-137-A

Dear Mr. & Mrs. Chiabrera:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-137-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) ~~MANLIO~~ presently reside at 226 Compass Road
Baltimore, Md. 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Due to my recent operation for heart problems (i.e. triple-bypass surgery) and continued monitoring of my health by my doctor, it is necessary that the proposed garage be constructed to the side of the dwelling. This will preclude unnecessary shoveling of snow in the winter and from a cardiac standpoint, as indicated by the attached letter, it would be more beneficial. Based on the above, it would create an unnecessary hardship. That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Manlio B. Chiabrera
AFFIANT (Handwritten Signature)
Rose Marie Chiabrera
AFFIANT (Handwritten Signature)
MANLIO B. CHIABRERA
AFFIANT (Printed Name)
ROSE MARIE CHIABRERA
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of November, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Manlio B. Chiabrera
MANLIO B. CHIABRERA
AFFIANT (Printed Name)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public
NOTARY PUBLIC
My Commission Expires: 11/1/92

***and practical difficulty if this variance request is not granted.

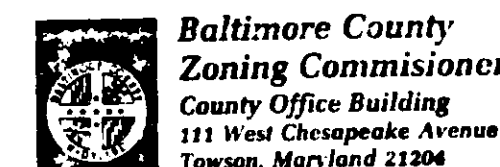
92-137-A

DESCRIPTION

Located on the north side of Compass Road approximately 122.59' northeast of Raintree Court and known as lot #193 as shown on the Amended Plat I, Section 3 of Goldentree which plat is recorded in land records of Baltimore County in book 48 folio 117. The property is also known as #226 Compass Road and contains approximately 7000 square feet.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 10/27/91
Posted for: Voluntary
Petitioner: Manlio B. Chiabrera et ux
Location of property: 226 Compass Road, 122.59' NE of Raintree Ct.
Location of Sign: Posting on property of Petitioner
Remarks: Posting on property of Petitioner
Posted by: M. Chiabrera Date of return: 10/27/91
Number of Signs: 1



Date

Account: R-001-6150
Number

DESCRIPTION	QTY	PRICE
POSTING VARIANCE (VBL)	1 X	\$25.00
POSTING FINE SIGNS - ADVERTISING	1 X	\$25.00
TOTAL:		\$50.00

Please Make Checks Payable to Baltimore County
BA 002:45P409-27-91

\$60.00

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-137-A

The undersigned, legal owner(s) of the property, situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1801.2.c.6 (V.B.3, CMDF) to permit 13.5' between buildings in lieu of the required 16' and to amend the last approved development plan for Section 3 Goldentree to allow the construction of a garage outside of the required building envelope.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Due to my recent operation for heart problems (i.e. triple-bypass surgery) and continued monitoring of my health by my doctor, it is necessary that the proposed garage be constructed to the side of the dwelling. This will preclude unnecessary shoveling of snow in the winter and from a cardiac standpoint, as indicated by the attached letter, it would be more beneficial. Based on the above, it would create an unnecessary hardship and practical difficulty. If this variance request is not granted, property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Address

Address

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of Sept., 1991, that the subject matter of this petition be posted on the property on or before the 13th day of Oct., 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.

REVIEWED BY: CAM DATE: 9/27/91



ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 21, 1991

887-3353

Mr. & Mrs. Manlio B. Chiabrera
226 Compass Road
Baltimore, MD 21221

RE: Item No. 151, Case No. 92-137-A
Petitioner: Manlio B. Chiabrera, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Chiabrera:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date:
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
27th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Manlio B. Chiabrera, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 9, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Budziak Property, Item No. 144
Armstrong Property, Item No. 145
Fogle Property, Item No. 149
Chiabrera Property, Item No. 151
Rau Property, Item No. 157
Ogundeji Property, Item 158

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMNO144/TXTRO2

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 23, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famlili

SUBJECT: Z.A.C. Comments

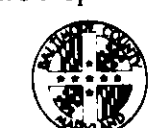
Z.A.C. MEETING DATE: October 8, 1991

This office has no comments for item numbers 144, 145, 147, 149, 150, 151, 152, 157 and 158.

Rahee J. Famlili
Rahee J. Famlili
Traffic Engineer II

RJP/lvd

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

OFFICE 10, 1001

(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MANLIO B. CHIABRERA
Location: 226 COMPASS ROAD

File No.: 151 Zoning Review: OCTOBER 8, 1991

Comments:

Re: your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *James E. Dyer* Approved: *Robert W. Bowling*
Special Inspection Division

JE/FF

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 10, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For October 8, 1991

The Development Engineering Division has reviewed the subject zoning items and we have no comments for Items 142, 144, 149, 150, 151, 152, 153, 157, and 158.

For Item 145, a minor subdivision is processing now. Our comments will be addressed through that process.

For Item 146, see the County Review Group comments dated August 12, 1991 for this site.

For Item 149, we have no comment on the garage height variance. However, regarding the swimming pool, the road grade or horizontal alignment must be revised so that no retaining wall is needed or that the wall is far enough away from the right-of-way such that failure would not impact the right-of-way.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

RWB:s

June 6, 1991

92-137-A

TO WHOM IT MAY CONCERN:

RE: Manlio Biago Chiabrera

Mr. Chiabrera has been under my care for angina, myocardial infarction, and coronary artery bypass grafting. It would be beneficial from a cardiac standpoint for his car to be in a garage to avoid the cold in winter and heat and humidity in the summer.

Sincerely,

Steven J. Mason

Steven J. Mason, M.D., F.A.C.C.
SJM:ca

KENNETH B. LEWIS
DEAN R. TAYLOR
ERNEST N. ARNETT
NANCY A. STEPHAN
STEVEN J. MASON
JEFFREY J. BROWN
FRANK N. SQUARE MEDICAL ARTS BLDG.
801 FRANK N. SQUARE DR. BALTO. MD 21207
50'x12'4"
1225 WEST PERRY ST. TOWSON MD 21204
50'x12'4"
1425 W. LEE
BALTO. MD 21201

M.D.
M.D.
M.D.
M.D.
M.D.
M.D.

111 West Chesapeake Avenue
Towson, MD 21204

October 3, 1991

887-3353

Manlio and Rose Chiabrera
226 Compass Road
Baltimore, Maryland 21221

COPY

Re: CASE NUMBER: 92-137-A
LOCATION: W/S Compass Road, 122.59' NE of Raintree Court
226 Compass Road
15th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 13, 1991. The closing date is October 28, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

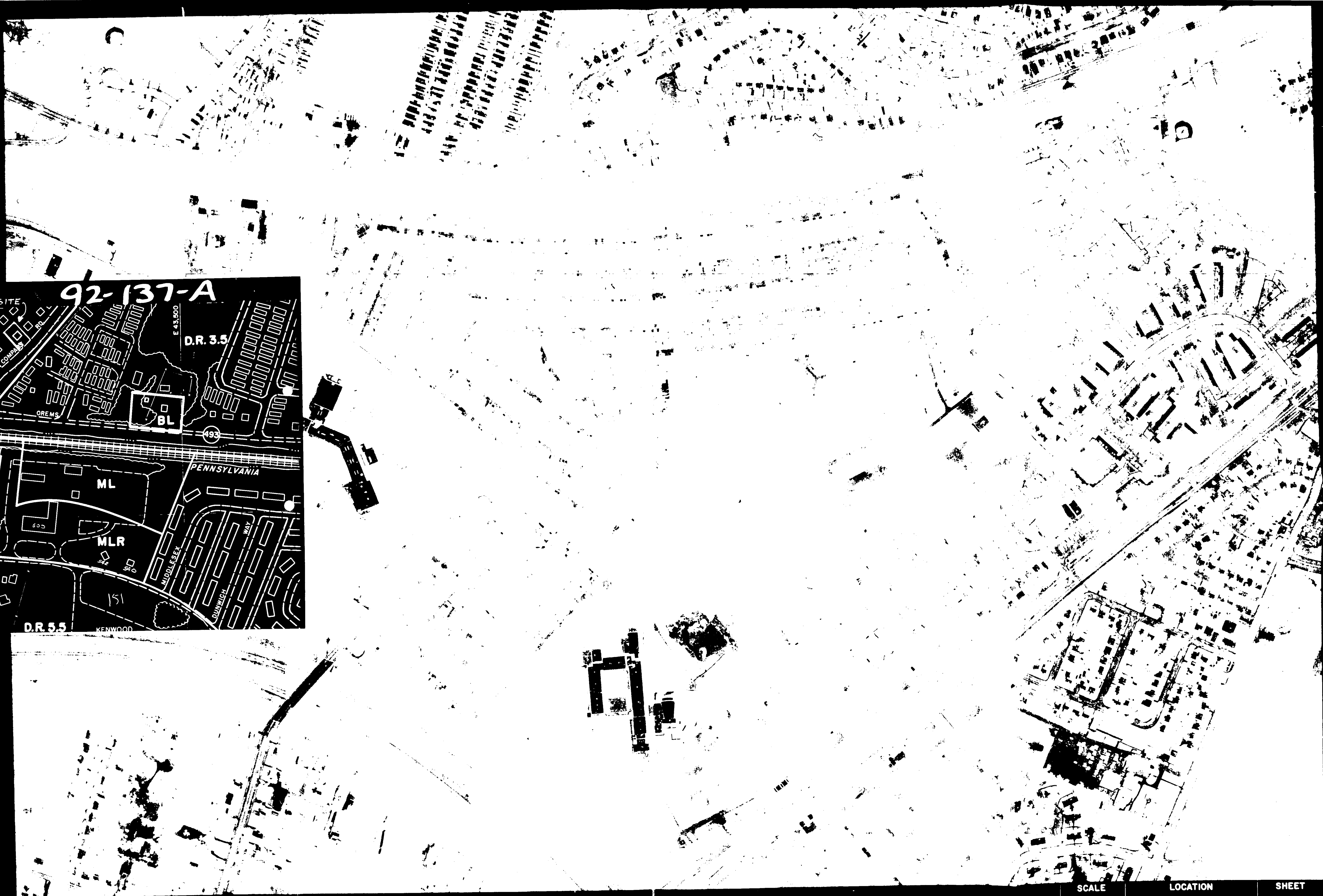
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. S. Stephens
G. S. Stephens



92-137-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	STEMMERS RUN	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	AERO ACRES	3-H